

#14

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :James Austin KENDRICK et al

**RECEIVED**

Office of Patent Legal Administration

Appl. No. :09/992,590

JUL 16 2003

Senior Legal Advisor: Karin Ferriter

Filed :November 6, 2001

**OFFICE OF PETITIONS**

For :CONTINUOUS SLURRY POLYMERIZATION VOLATILE REMOVAL

**SUPPLEMENTAL PETITION TO THE COMMISSIONER UNDER 37 C.F.R.  
1.59(b), TO EXPUNGE INFORMATION SUBMITTED UNDER MPEP 724.02**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

----- This is a Supplemental Petition to the Commissioner under 37 C.F.R. 1.59(b), to  
Expunge Information Submitted under MPEP 724.02. -----

**BACKGROUND**

A Petition to the Commissioner under 37 C.F.R. 1.59(b), to Expunge Information Submitted under MPEP 724.02 in the above-identified application was filed on May 12, 2003. To date, no decision has been rendered on the Petition. Petitioner contacted Senior Legal Advisor Ferriter to inquire about the possibility of simplifying the expungement issue by requesting that the earlier filed IDS be expunged in its entirety in favor of a newly

submitted IDS which submits non-proprietary IDS material on one form PTO-1449 and the proprietary material as part of a separate form PTO-1449, which is submitted in a sealed envelope in full compliance with MPEP 724.02. Ms. Ferriter agreed that this type of submission would receive favorable consideration.

Accordingly, Petitioner requests that the IDS filed in the above-identified application on July 12, 2002, along with the form PTO-1449 attached thereto and the Roger Declaration (which contains proprietary material) be expunged from the record and returned to Applicant. Copies of the other references and Articles submitted with the IDS should be kept in the file, in order to avoid the need to have them re-submitted. The IDS and form PTO-1449, listing all the documents, except for the Roger Declaration are being re-submitted herewith. Additional documents, not previously submitted on July 12, 2002, are being submitted as part of this IDS for the Examiner's consideration. Applicant has listed the additional documents in bold letters on the attached form PTO-1449 in order to make it easier for the Examiner to determine which documents are newly cited by Applicant. However, Applicant urges the Examiner to make an independent comparison of the two forms PTO-1449 in order to ensure that there are no inadvertent errors that may have been made by Applicant. The Roger Declaration is being submitted separately herewith as part of a proper submission under MPEP 724.02.

This petition to expunge, is being submitted on behalf of the party in interest who originally submitted the documents under seal as part of the IDS.

While another petition to expunge fee is not believed to be necessary, please charge any fees necessary for consideration of the papers filed herein and refund excess payments to Deposit Account No. 19-0089. Additionally, should any fees under 37 C.F.R. 1.17(p) be required, the Commissioner is authorized to charge these fees to the above-mentioned Deposit Account.

Should this Petition not be grantable for any reason, the Senior Legal Adviser is invited to contact Petitioner at the below-listed telephone number in order to address any remaining concerns.

Respectfully submitted,  
James Austin KENDRICK



Abraham HersHKovitz  
Reg. No. 45,294

July 15, 2003  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191 (Voice)  
(703) 716-1180 (Fax)  
[AHersHKovitz@gbpatent.com](mailto:AHersHKovitz@gbpatent.com) (e-mail)

RECEIVED

JUL 16 2003

OFFICE OF PETITIONS

P23711.A04

98B014C

#  
15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James Austin KENDRICK et al

Group Art Unit: 1764

Appl. No. : 09/992,590

Examiner: Marian C. KNODE

Filed : November 6, 2001

For : CONTINUOUS SLURRY POLYMERIZATION VOLATILE REMOVAL

**TRANSMITTAL LETTER UNDER MPEP § 724.02 FOR SUBMISSION OF  
PROPRIETARY MATERIAL (DECLARATION OF SCOTT T. ROGER) AS PART OF A  
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

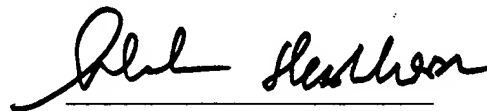
Sir:

Transmitted herewith is a Supplemental Information Disclosure Statement including a sealed envelope containing the Declaration of Scott T. Roger, which contains proprietary material being submitted for consideration under MPEP § 724.02. Additionally, transmitted herewith is a petition under 37 C.F.R. 1.59 requesting that the proprietary material be expunged if found *not* to be important to the Examiner in deciding allowability of the claims in the instant application.

Respectfully submitted,

James Austin KENDRICK et al

July 15, 2003  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191 (Voice)  
(703) 716-1180 (Fax)  
[AHershkovitz@gbpatent.com](mailto:AHershkovitz@gbpatent.com) (e-mail)



Abraham Hershkovitz  
Reg. No. 45,294

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James Austin KENDRICK et al

Group Art Unit: 1764

Appl. No. : 09/992,590

Examiner: Marian C. KNODE

Filed : November 6, 2001

For : CONTINUOUS SLURRY POLYMERIZATION VOLATILE REMOVAL

**PETITION TO THE COMMISSIONER UNDER 37 C.F.R. § 1.59(b), TO  
EXPUNGE INFORMATION SUBMITTED UNDER MPEP § 724.02**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
JUL 16 2003  
OFFICE OF PETITIONS

Sir:

This is a petition under 37 C.F.R. §1.59(b) to Expunge Information Submitted under MPEP § 724.02.

A Supplemental Information Disclosure Statement (SIDS) is being filed concurrently herewith. The SIDS and this petition are submitted in a sealed envelope, the exterior of which was labeled so as to make clear that the envelope contained proprietary material and was therefore to remain sealed except for the Examiner's use. It is this envelope, along with its contents, that this Petition addresses as part of the request to have this material expunged.

The above-mentioned sealed envelope contains proprietary material which has not been made public by Applicant.

In accordance with MPEP § 724.02 (see MPEP 8<sup>th</sup> Ed. as revised February 2003, page 700-269, middle paragraph of left column), Applicant requests that the material submitted under seal as part of the concurrently filed SIDS be expunged from the above-identified application and returned to Applicant, if the Examiner concludes upon examination of the instant application that the material is *not* important in deciding whether to allow the instant application to issue as a patent. Applicant will retain the material expunged and returned to Applicant for the duration of the term of any patent maturing from the above-identified application.


This petition to expunge is being submitted on behalf of the party in interest who is submitting the documents under seal as part of the SIDS.

Please charge any fees necessary for consideration of this petition to Deposit Account No. 19-0089.

Should the petition not be grantable for any reason, the Examiner is invited to contact Petitioner at the below-listed telephone number in order to address any concerns.

July 15, 2003  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191 (Voice)  
(703) 716-1180 (Fax)  
[AHershkovitz@gbpatent.com](mailto:AHershkovitz@gbpatent.com) (e-mail)

Respectfully submitted,  
James Austin KENDRICK et al



---

Abraham Hershkovitz  
Reg. No. 45,294